

UNITED STATES DISTRICT COURT

FILED

for the

DEC 20 2013

Eastern District of California

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY

DEPUTY CLERK

United States of America

v.

Case No. 5:13-mj-00081 JLT

Donald Lancer

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 19, 2013 in the county of Kern in the
Eastern District of California, and elsewhere the defendant(s) violated:*Code Section*

21 U.S.C. §§ 846 and 841(b)(1)(A)

Offense Description

Conspiracy to distribute and possess with intent to distribute more than five (5) kilograms of cocaine a Schedule II controlled substance.

This criminal complaint is based on these facts:

(see attachment)

☒ Continued on the attached sheet.

Complainant's signature

Anthony Truong Special Agent Homeland Security
Investigations

Printed name and title

Sworn to before me and signed in my presence.

Date: December 20, 2013

Judge's signature

City and state: Bakersfield, California

Jennifer L. Thurston, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF HSI SPECIAL AGENT ANTHONY TRUONG

I, Anthony Truong, a Special Agent of U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI), being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. This Affidavit is submitted in support of an application for a criminal complaint charging a violation of 21 United States Code Sec 841(a)(1) and 21 United States Code Sec 846 against Heather Lynn Necheff.

a. Title 21 U.S.C. § 841(a)(1) states: "it shall be unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute or dispense a controlled substance;" and

b. Title 21 U.S.C. § 846, states: "Any person who attempts or conspires to distribute and possess with intent to Distribute a controlled substance."

2. It is your affiant's assertion that probable cause exists to believe that the Subject Offense has been committed by the following individual: Donald J. Lancer.

AFFIANT'S BACKGROUND

3. I am a Special Agent employed by the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI hereafter) and I have been employed in that capacity since November 7, 2011. Since February 23, 2012 I have been assigned to the Bakersfield Homeland Security Investigations Office, which is a member of the Southern Tri- County High Intensity Drug Trafficking Area (STC HIDTA) Task Force that handles the investigation of illegal importation of controlled substances into the United States under Title 21 of the United States Code, including investigations related to the illegal importation of controlled substances within the Eastern District of California. Additionally, I have been cross-designated by the United States

1 Department of Justice with Title 21 federal narcotics enforcement authority. As a HSI Special
2 Agent, I have participated in several search and arrest warrants related to narcotics trafficking,
3 controlled substance violations, firearms violations and trafficking. I am a graduate of the
4 Federal Law Enforcement Training Center's Criminal Investigator Training Program and the
5 HSI Special Agent Training Program located in Glynco, Georgia. I have been mentored by more
6 experienced and trained federal and state law enforcement agents and officers regarding these
7 investigations. Prior to becoming an HSI Special Agent, I was employed by the US Department
8 of Commerce as a Special Agent for six (6) years. The information set forth in this affidavit has
9 been provided to me directly by those involved in the investigation of this matter, including
10 Special Agent Michael Ciapas of the Bakersfield Office of HSI who is the case agent on this
11 investigation.

12 SUMMARY OF THE INVESTIGATION

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14 On December 17, 2013 at approximately 3:30 pm, Officer Ashe, California Highway
15 Patrol (CHP) initiated a traffic stop while in the area of Button Willow on a vehicle after
16 noticing it had a GPS device displayed on the windshield of the vehicle. The placement of this
17 device on the windshield was a violation of California Vehicle Code § 26708 which prohibits
18 objects or materials being displayed, installed, placed or affixed on the front windshield which
19 may obstruct a driver's view. According to Officer Ashe's report, the following took place.
20 Officer Ashe noticed that the driver exhibited nervous behaviors during the traffic stop. Officer
21 Ashe determined that the driver was a Canadian National who was in possession of a
22 Saskatchewan Driver's License. Upon further investigation, Officer Ashe obtained both a verbal
23 and a signed consent to search of the vehicle. While conducting a search of the vehicle,
24 approximately 20 kilos wrapped in duct taped packages of suspected cocaine was located in the
25 rear of the vehicle inside a suitcase. The driver was placed under arrest and transported to
26 Bakersfield, California. A narcotics callout was initiated and deputies assigned to the Kern
27 County Sheriff's Office (KCSO) responded to the CHP office to assist in the investigation.
28

1 According to KCSO, during their investigation, the driver agreed to waive his/her
2 Miranda rights and cooperate with agents from Homeland Security Investigations (HSI). A
3 recorded interview was conducted by HSI Special Agent Ciapas and KCSO Deputy August.
4 During the interview, the driver stated that he/she was asked by "RANDY" Last Name
5 Unknown (LNU) if he/she wanted to get involved in transporting packages in the United States.
6 The driver believed RANDY was referring to transporting some type of drugs possibly
7 marijuana.

8
9 The driver agreed to transport what he/she believed to be narcotics in the United States.
10 Randy then put her in touch with a Middle Eastern male who was identified as "ALY" Last
11 Name Unknown (LNU). ALY spoke with the driver several times over the phone where they
12 discussed transporting what he/she believed to be drugs in the United States.

13 The driver then flew to a location in Canada and met with ALY in order to obtain
14 specific orders for him/her to travel into the United States and transport drugs from the Los
15 Angeles, California area to Seattle, Washington. The driver was given U.S. currency for his/her
16 expenses such as airfare, hotel room, rental vehicle and food. The driver then flew to Los
17 Angeles where he/she continued receiving instructions from ALY. The driver was provided with
18 directions to meet with subjects in the City of Orange and pick up a load of drugs.

19
20 The driver followed the directions and picked up the load and drove it to Seattle,
21 Washington. After completing the first delivery of drugs to Seattle, Washington, the driver was
22 directed by ALY to drive back to Los Angeles, California. After several days in Los Angeles,
23 the driver received directions to pick up a load and drive it to Seattle, Washington. The driver
24 followed his/her directions and picked up the load of what he/she believed to be illegal drugs
25 and began driving to Seattle, Washington. The driver said during this entire trip that he/she was
26 in constant contact with RANDY who was also giving her directions and acting as a liaison
27 between her and ALY.

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1 The driver confirmed that he/she was pulled over by law enforcement and arrested. The
2 driver said he/she knew he/she had a large amount of what he/she believed to be illegal drugs in
3 his/her vehicle. The driver said he/she did not know it was cocaine inside the packages.

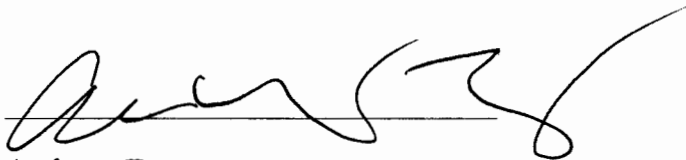
4 On December 18, 2013, the driver agreed to cooperate with law enforcement and deliver
5 the suitcase containing suspected cocaine to Seattle, Washington. Agents from Homeland
6 Security Investigations then proceeded to fill the suitcase that the driver used to transport the
7 suspected cocaine with approximately 20 kilograms of "sham" cocaine. "Sham" cocaine is fake
8 drugs used by law enforcement during operations in order to eliminate the risk of losing the
9 original suspected drugs seized. The driver then cooperated with law enforcement and was in
10 constant communication with "Aly," who directed him/her to drive to a Love's Truck Stop off
11 of exit 136 of the I-5 Highway (which is located in Fife, Washington). "Aly" told the driver via
12 text to be at the truck stop at 9am on December 19, 2013.

13 On December 19, 2013 at approximately 10am, the driver made contact with a dark
14 skinned male, who identified himself as "Chief," inside the Love's Truck Stop store located off
15 of exit 136 of the I-5 Highway in Fife, Washington. At approximately 10:03am, the driver and
16 "Chief" exited the Love's Truck Stop store and entered the driver's vehicle. At approximately
17 10:04am, the driver and "Chief" arrived at a semi-truck with an Alberta license plate of
18 "K18785". The driver and "Chief" then exited the driver's vehicle. The driver then opened the
19 trunk of his/her vehicle, took out the suitcase containing the 20 kilograms of "sham" cocaine,
20 and handed the suitcase to "Chief." Chief then placed the suitcase in the cabin of the semi-truck
21 with the Alberta license plate of "K18785." Chief then entered the semi-truck and began to
22 drive. Chief then exited the parking lot of the Love's Truck stop at approximately 10:09am.

23 Law Enforcement surveillance agents and officers observed the meeting and exchange
24 between the driver and Chief, and began following Chief and his semi-truck. At approximately
25 11:56am, Washington State Patrol Trooper Rick Johnson executed a traffic stop on the semi-
26 truck which was traveling north bound on I-5 Highway. Chief was then identified as Donald
27 Lancer (DOB: 10/19/1967) a citizen of Canada. Donald Lancer then verbally consented to the
28 search of his semi-truck to Trooper Rick Johnson. Trooper Rick Johnson searched the semi-

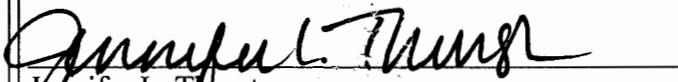
1 truck and found the suitcase that Lancer received from the driver at the Love's Truck Stop.
2 Lancer was then arrested and transported to the Homeland Security Office in Seattle,
3 Washington.

4 Lancer was then read his Miranda Rights by HSI Special Agent Michael Ciapas, which
5 Lancer waived. Lancer admitted that he had drugs in his vehicle when he was stopped by police
6 and that he was paid by another individual to pick up the drugs in Seattle and drive them to
7 Canada. Lancer admitted that this was the third time that he has transported drugs into Canada
8 from the United States for this individual in Canada.

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15 Anthony Truong
16 Special Agent, United States Dept. of Homeland Security

17 Signed and sworn before me on December 20th, 2013 in Bakersfield, California.

18 
19 Jennifer L. Thurston
20 United States Magistrate Judge

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22 Approved as to form and content

23 /s/ Brian Delaney
24 AUSA Brian Delaney
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